

Amendment Dated 05/10/2006
Response to Office Action Dated 02/10/2006

Application No. 09/934,924
Attorney Docket No. 005222.00184

REMARKS

Claims 20-57 are pending with this paper. Claims 39-57 are withdrawn from consideration. Applicant is canceling claims 1-19 and 58-76 without prejudice. Claims 1-38 and 58-76 stand rejected by the Office Action.

Other Amendments

In claim 30, Applicant is replacing "providing" with "provides" in order to correct a typographical error.

Claim Rejections - 35 U.S.C. §103

Claims 1-19 are rejected by the Office Action under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,310,349 (Daniels) in view of U.S. Patent No. 6,261,103 (Stephens).

Applicant is canceling claims 1-19 without prejudice.

Claims 20-76 are rejected by the Office Action under 35 U.S.C. 103(a) as allegedly being unpatentable over Daniels in view of U.S. Patent No. 6,029,195 (Herz).

Applicant is amending independent claim 20 to include the feature of "dynamically adding a second virtual instructor with the first virtual instructor and the one or more users" in order to clarify what is being claimed. (Emphasis added.) The amendment is supported in the patent application as originally filed, e.g., Figures 87-96 and the associated description.

The Office Action admits (Page 11.):

Daniels is silent regarding: dynamically adding second virtual instructor.

The Office Action alleges (Page 11.):

Herz discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 94, lines 47-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Herz into the system of Daniels such that more proficient teachers in math or reading can be assigned to reach less proficient students based [on the] needs of the students.

Amendment Dated 05/10/2006
Response to Office Action Dated 02/10/2006

Application No. 09/934,924
Attorney Docket No. 005222.00184

The Office Action further alleges, in response to Applicant's paper filed on November 10, 2005, (Page 3):

...(B) applicant furthermore, alleges "Herz does not suggest anything about teacher load balancing or adding second virtual instructor."

Examiner respectfully disagrees, because Herz discloses the system will recommend the most appropriate on-line lecture either involving a virtual tutor where the student may receive a recommendation of the name of the most skilled or experienced faculty or student recommended tutor (that is adding virtual tutors as needed basis on the student needs)(see col. 94, lines 47-67).

Herz does disclose (Column 94, lines 47-67. Emphasis added.):

In one approach school activities (from either one or a large number of schools) may be accessible for participation remotely. Classroom lectures, continuing education seminars, conferences, tutorials for job training (or on-going job training requirements) may apply. The most exemplary application however is the virtual classroom. Students may use nearest neighbor indexing to either describe or present a particular topic or problems or a query. The system will recommend the most appropriate on-line lecture either live, if the student wishes to interact (e.g., recommending the next scheduled time) or the most appropriate pre-recorded lecture. For solutions to problems, a virtual tutor involving either a live or pre-recorded single (closed) session or multi-student session may be presented similarly) or the student may receive a recommendation of the name of the most skilled or experienced faculty or student recommended tutor. In the classroom application the student may either present questions on-line to the lecturer (throughout the lecture or at pre-designated intervals) or the best ones may be selected by a moderator.

Herz does not even suggest the features of "dynamically adding a second virtual instructor with the first virtual instructor and the one or more users." With Herz, a student receives a recommendation of an instructor that is best suited for the student. Rather than a second instructor being added, only one instructor is selected for the assignment of teachers based on the needs of the student. A second instructor is not added. Either one instructor or another instructor is selected but not both. Moreover, as argued in the Office Action, Herz teaches a load balancing system. Adding a second instructor with a first instructor and users would only increase loading demands on an educational system and thus would be contrary to performing a load balancing function.

Claims 29 and 30 include similar features as discussed above. Claim 29 includes the features of "logic that dynamically adds a second virtual instructor with the first virtual instructor

Amendment Dated 05/10/2006
Response to Office Action Dated 02/10/2006

Application No. 09/934,924
Attorney Docket No. 005222.00184

and the one or more users." Also, claim 30 includes "code that dynamically adds a second virtual instructor with the first virtual instructor and the one or more users." Moreover, claims 21-28 ultimately depend from claim 20 and claims 31-38 ultimately depend from claim 30. Thus, claims 21-28 and 31-38 are patentable for at least the above reasons. Applicant requests reconsideration of claims 20-38.

Regarding claims 58-76, Applicant is canceling the claims without prejudice.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: May 10, 2006



Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 S. Wacker Drive, Suite 3000
Chicago, IL 60606-7407
Telephone: 312-463-5000
Facsimile: 312-463-5001